IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11930 of 2005

Between:

Botta Yedukondalu, S/o. Sathi Babu,
R/o. Pedabheempalli (Vill), Devipatnam (M), E.G. District.

..... PETITIONER

AND

1 The Addl. Agent to the Govt., E.G.District at Rampachodavaram.
2 The Special Deputy Collector (TW), Ramapachaodavaram, E.G.District.
3 The Mandal Revenaue Officer, Devipatnam, E.G.District.
4 The Spl. Deputy Tahsildar (T.W), Devipatnam, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac. 1.00 in sy.No.100 of Pedabheepalli Village, Devipatnam Mandal, E.G.District in pursuance of the order passed by the 2nd respondent herein in LTRP. No. 153/2004 as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the statutory appeal preferred before the 1st respondent.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

O R D E R:

This writ petition is filed by the petitioner aggrieved by the action of the 1st respondent in not disposing of his appeal, but, however, the respondents 3 and 4 are trying to dispossess the petitioner.

2. It is stated that the 2nd respondent initiated proceedings under the provisions of the Land Transfer Regulations for evicting the petitioner in an extent of Ac.1-00 land in Sy.No.100 of Pedabheepali village, Devipatnam Mandal, East Godavari district. The 3rd respondent after issuing notice conducted enquiry and passed orders on the ground that the petitioner is in possession of the land in contravention of the Regulations. An appeal is filed before the 1st respondent and the same is pending. According to the petitioner, no stay was granted.

3. However, the learned Government Pleader represented that the petitioner did not press for stay before the appellate authority and has come up with the present Writ Petition. In view of the said statement, the learned Government Pleader was directed to produce the record, and in fact, the learned Government Pleader produced the records. The docket order clearly shows that the appeal came up for hearing on 30.04.2005, and on that day stay was not pressed, and the matter was adjourned to 25.06.2005. As the petitioner did not press for the stay, he cannot complain against the appellate authority.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare, and considered the material on record.

5. As the matter has already been directed to be listed for final disposal on 25.06.2005, the 1st respondent is directed to dispose of the same on that day without further adjournments. The respondents are further directed not to involve third party's interest with reference to the property in question, pending disposal of the appeal.

6. The writ petition is disposed of accordingly. No costs.

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S. Ananda Reddy, J.

Dt. 15.06.2005

Kvh

To

1 The Addl. Agent to the Govt., E.G.District at Rampachodavaram.
2 The Special Deputy Collector (TW), Ramapachaodavaram, E.G.District.
3 The Mandal Revenaue Officer, Devipatnam, E.G.District.
4 The Special Deputy Tahsildar (T.W), Devipatnam, E.G.District.

5. 2 CCs to G.P. for Social Welfare, High Court of A.P., Hyderabad. (OUT)

6. 2 C.D. copies.